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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

CHEN, JOSE V

ART UNIT PAPER NUMBER

3637

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,244

Applicant(s)

INSALACO ET AL.

Examiner

José V. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-23 and 27-30 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-12, 24-26 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

The information disclosure statement filed 01-18-02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. It is noted here that there are no copies of the advertisements cited on the 1449 form and therefore those references have been not considered and lined out on the form.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Diffrient ('201). The patent to Diffrient ('201) teaches structure as claimed including four support legs (18, 32, 18, 32), two support legs terminate in casters (32, 32), two support legs terminate in glides (18, 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diffrient ('201). The patent to Diffrient ('201) teaches structure substantially as claimed including support legs the only difference being that the legs are not made of glass filled polypropylene. However, the use of glass filled plastic structures, such as fiberglass structures are routinely used in structural elements of plastic formations and therefore would be matters of desirability and choice and would have been and well within the level of ordinary skill in the art at the time of the invention to provide such depending on the amount of reinforcements desired, material characteristics desired and cost efficiency desired, thereby providing structure as claimed.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diffrient ('201) as applied to the claims above, and further in view of Newhouse et al ('935).

The patent to Diffrient teaches structure substantially as claimed as discussed above including support legs, the only difference being that the leg structure does not include wiring cabling means in communication with the support surface. However, the patent

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to Newhouse et al (fig. 2) teaches the use of providing leg structure with wiring means to provide communication with the leg and support means to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Diffrient to include cabling means between the support legs and the support, as taught by Newhouse et al since such structure is used in the same intended purpose, thereby providing structure as claimed.

Claims 1-4, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse et al ('935) in view of Woods. The patent to Newhouse et al teaches structure substantially as claimed including table (16,), support legs (18), elongate channel structure (figs. 2, 8), connection between the legs and worksurface the only difference being that the connection structure is not in the form of a catch. However, the patent to Woods (at fig. 40) teaches the use of providing a catch for the connection between the legs and surface. It would have been obvious at the time of the invention to modify the structure of Newhouse et al to include a catch structure as the connection between the legs and surface, as taught by Woods since such structures are conventional alternative connecting structures, thereby providing structure as claimed. Further, the use of rib structure in plastic formations to provide increased support, the use of shaped edges to provide for ergonomics in table structure, the use of glassed filled plastic structures, such as fiberglass structures are routinely used in structural elements of plastic formations and therefore would be matters of desirability and choice and would have been and well within the level of ordinary skill in the art at the time of the invention to provide such depending on the amount of reinforcements desired,

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material characteristics desired and cost efficiency desired, thereby providing structure as claimed.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse et al ('935) in view of Woods as applied to the claims above, and further in view of Azzar. The patent to Newhouse et al ('935) in view of Woods et al teaches structure substantially as claimed as discussed above including table surface, the only difference being that the table surface does not include a groove and bumper structure. However, the patent to Azzar ((14, 28) teaches the use of providing such structure to protect the edge surface to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Newhouse et al in view of Woods to include a peripheral guard structure, as taught by Azzar since such structures are conventional structure used in the same well known purpose, thereby providing structure as claimed.

Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al in view of Ball et al. The patent to Kramer et al teaches structure substantially as claimed including table, support leg, trough (at 26) the only difference being that the table does not include a contour at the rear edge. However, the patent to Ball et al(at 10) teaches the use of providing a contour at the rear edge of a table to provide a communication means when a plurality of like tables are positioned to be old. It would have been obvious at the time of the invention to modify the structure of Kramer et al to include a contour at the rear edge, as taught by Ball et al since such structure

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are conventional structures used in the same intended purpose, thereby providing structure as claimed.

Allowable Subject Matter

Claims 13-23, 27-30 are allowable over the prior art of record.

Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Meyer, Corpuz, Jr. et al, Dobson et al, Flototto et al, Rein et al, Chang, Stern et al, Ostertag et al, Goldberg et al, Albertini teach structure similar to applicant's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (703) 308-3229. The examiner can normally be reached on m-f, m-th 5:30am-3:00pm.

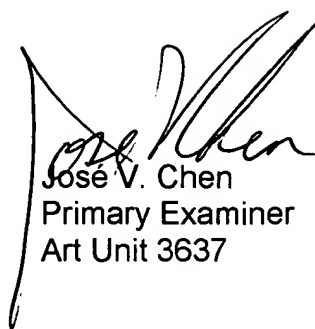
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703)308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

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Handwritten signature of José V. Chen in black ink, featuring a stylized 'J' and 'C'.

José V. Chen
Primary Examiner
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Chen/jvc
09-29-03